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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 766,573	01 23 2001	Daniel Sherwin	021619.0106	2345

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EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT PAPER NUMBER

2851

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/766,573

Applicant(s)

SHERWIN, DANIEL

Examiner

Rochelle Blackman

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "a common center element 80" on pg. 10, line 5 of the second paragraph. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 14 is objected to because of the following informalities: The word "pressure-resistant member" should be changed to - -compression-resistant member- - to be consistent with the description in its parent claim and "tube12" should be - -tube- -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, 9, 12, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerts, U.S. Patent No. 765,175.

Gerts discloses "a fast deployable light-weight tripod"(see Figs. 1-8); "a center support"(see 20 of Fig. 7 and 20a of Figs. 12 and 13); "three multistage telescoping leg assemblies"("see 26-30 of Fig. 1); "at least one cam locking unit"(see 31-33 of Fig. 1); "a hand accessible release element" and "external lever"(see 36 of Fig. 6); "a further hand-accessible release element"(see 32 of Fig. 1); and "spring means"(see 38 of Figs. 4 and 6). Dependent claims along with features and functions of the claimed elements are similarly met by the features and functions of the above mentioned elements.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2, 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerts, U.S. Patent No. 765,175 in view Johnson et al., U.S. Patent No. 5,503,357.

Gerts discloses the claimed invention except for "a foldable hinged three-arm restriction member" and "a shoe member".

Johnson teaches that it is known to provide "a spreader"(see 26 of FIG. 1) to hold "supports"(see 14 of FIG. 1) together so as to "prevent them from sliding apart" and "to support the entire tripod for movement across the surface"(see col. 3, lines 17-34).

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Johnson also teaches that it is known to provide "a shoe"(see 62 of FIGS. 2 and 3) disposed between "a fixed leg member"(see 20 of FIGS. 2 and 3) and "a bore"(see 34 of FIGS. 2 and 3) "to minimize wear and friction"(see col. 4, lines 42-45). Therefore, it would have been obvious at the time the invention was to provide the tripod and cam locking unit of the Gerts reference with a spreader to prevent the leg assemblies from sliding apart and a shoe to minimize wear and friction, since these structures for tripods and cam devices are well known in the art.

2. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerts, U.S. Patent No. 765,175 in view of Sassmannshausen et al., U.S. Patent No. 5,570,968.

Gerts discloses the claimed invention except for a further hand-accessible release element that is "a press button".

Sassmannshausen teaches that it is known to provide "a push button"(see 11 of FIGS. 1-4) that is depressed to release "a clamping device"(see 1 of FIGS. 1-4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the lever type "release element" of the Gerts reference for the "push button" of the Sassmannshausen reference, since levers and buttons used as release structures are well known in the art.

3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerts, U.S. Patent No. 765,175 in view of Jones, U.S. Patent No. 5,492,430.

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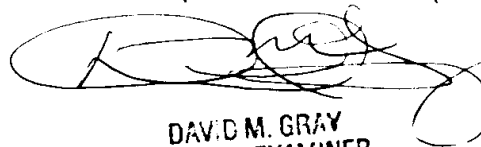
Gerts discloses the claimed invention except for each pressure/compression-resistant member comprising "at least one plastic, fiber-reinforced tube" that is "reinforced with carbon fibers".

Jones teaches that is known to provide a telescopic tube device with an "inner telescopic tube"(see 12 of FIGS. 1-12) constructed of a "carbon fiber reinforced material"(see col. 4, lines 48-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct each pressure/compression-resistant member of the Gerts reference out of a carbon fiber reinforced material, since using carbon fiber reinforced material to construct telescopic tubes is well known in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (703) 308-2879. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



DAVID M. GRAY  
PRIMARY EXAMINER